

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District
FILE NUMBER: MVP-2006-6473-SAD
PROJECT MANAGER: SARAH DENALI

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: 12/18/06
At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: MN
County: Meeker
Center coordinates of site by latitude & longitude: Sec 3, T121N, R31W
Approximate size of site/property (including uplands) in acres: 1.0
Name of waterway or watershed: Upper Mississippi River

Type of Aquatic Resource1:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	XX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors1	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XX
Is or would be used as habitat by other migratory birds that cross state lines?			XX		
Is or would be used as habitat for endangered species?				XX	
Is used to irrigate crops sold in interstate commerce?				XX	

1 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

Review of the topographic maps, aerial photos, wetland delineation report, NWI and NRCS soil survey data, all indicate that the the wetland basin is isolated and has no connection to waters of the United States.

The isolated wetlands are located entirely within one state. The subject wetlands are isolated and are not adjacent to or part of a tributary system of navigable or interstate or other waters of the United States. This determination concludes that a interstate or foreign commerce nexus is not present. The waterbody being filled is not a waterbody the use, degradation or destruction of which is likely to affect interstate or foreign commerce. The waterbody is not a water of the U.S. as defined at 33 CFR 328.3 and is not subject to the Corps' jurisdiction under Section 404 of the Clean Water Act.